



Report to the Auburn City Council

Action Item
Agenda Item No. 19

City Manager's Approval

To: Vice Mayor and City Council Members
From: Mayor Kevin Hanley
Date: October 22, 2012
Subject: Procedure for Public Comment

The Issue

Should the City Council vote on a Resolution that states that it is in the best interest of the public that the *Public Comment* portion of each City Council meeting be exclusively reserved for members of the public to speak to the City Council on any issue not on the meeting's agenda and for brief announcements by city staff?

Conclusion and Recommendations

By **RESOLUTION**, reaffirm that it is in the best interest of the public that the *Public Comment* portion of each City Council meeting is exclusively reserved for members of the public to speak to the City Council on any issue not on the meeting's agenda and to allow city staff to make brief announcements.

Background

At the beginning of the first meeting in which I presided as Mayor on June 11, 2012, I outlined to the City Council and the public my intention to follow the clear and common sense purpose of the *Public Comment* portion of our meetings. Our standard agenda under *Public Comment* reads, "This is a time provided so that the public may speak to the Council on any item not on this agenda."

Over time we have allowed the original purpose of the *Public Comment* period to gradually morph into a time when Council members use this time to make reports and are often the only ones speaking during *Public Comment*. As Mayor, I wanted to get back to original purpose of the *Public Comment* period as I experienced it when I started on the City Council in 2002 and how most local governments conduct their business. My sense has been that most of the City Council members have supported going back to the original intent of the *Public Comment* period.

At the June 11 meeting, I described the problems that are caused when we have lengthy comments made by Council members first during the *Public Comment* period and then during *City Council Committee Reports* before we even get to action items. I have been in City Council hearings in which a full hour has gone by before we even begin the process of acting on items that are important to the public. Busy residents and business owners can sometimes get turned into a "captive audience" for councilmember comments. Why should they be forced to listen to us when

what they really care about is their hanger lease, a land use decision that will impact their neighborhood or any other specific issue that brought them to attend the Council meeting? While Council members often have valuable things to say and provide good information, there is a time and place for everything.

Most local governments, including the Placer County Board of Supervisors, provide that the *Public Comment* period is there exclusively for members of the public and not for elected officials to make statements. Auburn's practice has been the outlier, not the norm among local governments. We have a portion of the meeting called *City Council Committee Reports* in which a Council member can speak at length on any information he or she wants to provide to other council members and the public provided that no action is taken at the same meeting. I have permitted city staff to make announcements during the *Public Comment* period because they are always brief and we don't have an identified portion of the agenda to accomplish this task.

In my 10 years experience in serving on the City Council and 20 years in serving on legislative committees, I have observed that long hearings on a topic can led to poorer public policy decisions as elected officials get tired. As the hearings get longer, there is a natural tendency for elected officials to want to speed things up. That is not right for the public. I believe that the public interest is best served when members of the public are given an opportunity right at the beginning of the council session to make their comments and suggestions to their elected representatives. The second priority is to then quickly move on to the action items so that Council members can hear the testimony from the public and make good decisions while they are fresh. The third priority is to then to move to the non-action *City Council Committee Reports*.

Returning to the original purpose of the *Public Comment* period has not in way impeded a Council members' ability to attempt to speak to the public via the local newspapers or any other medium. If a Council member wants to try to speak to the public, it is his or her responsibility to find a way to do so. The purpose of a City Council session is to do the people's business.

I believe that this common sense interpretation of the purpose of the *Public Comment* portion of our sessions has been successful. We are getting to the main council business without delay. We are putting the interests of the public first. However, I put this item on the agenda for a full Council vote with reluctance. On three occasions, when I was attempting as the Presiding Officer to move from *Public Comment* to the *Public Hearing* portion of the City Council agenda, Vice Mayor Holmes interrupted me in an attempt to speak during *Public Comment*. Instead of, as provided in our "City Council of the City of Auburn Special Rules and Procedures," exercising his right to appeal the ruling of the Presiding Officer, he chose to interrupt the proceedings of the Council three times. After each of the interruptions I again explained the rationale behind my decision. After one of these interruptions, Council member Kirby expressed a desire to vote on this policy.

It is clear that Vice Mayor Holmes still does not accept my decision and also wants a vote on the policy. On October 15, Vice Mayor Holmes wrote to me, "*You owe us an explanation of your decision not to permit council members to speak during public comment. You said you would do so several meetings ago but failed to do so. I will demand it then at the next city council meeting. I was trying to avoid a public discussion of your failure to give us your thoughts.*"

I respectfully disagree with the opinion offered by Vice Mayor Holmes that I haven't shared with the City Council my "thoughts," as I have provided them on multiple occasions. I welcome a clarification so that I will not have to face further interruptions of the Council proceedings by Vice Mayor Holmes during the time I serve as Mayor. I have offered what I believe is a good policy that puts the interests of Auburn residents, business and property owners first. This policy embodies the procedure that I have used since my first meeting as the Presiding Officer on June 11. It reflects the original purpose of the *Public Comment* period. The policy that I have offered would be binding on all future Mayors until changed by a future City Council by a majority vote. I will be happy to abide by the decision by the City Council on how you want your Council meetings to be run in the future.

Alternatives Available to the Council; Implications of Alternatives

Adapt a policy that explicitly allows Council members to speak during the *Public Comment* period.

Fiscal Impact

None.

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RESOLUTION NO. 12-
RESOLUTION REGARDING PROCEDURE FOR PUBLIC COMMENT

THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

That the City Council of the City of Auburn does hereby reaffirm that it is in the best interest of the public that the Public Comment portion of each City Council meeting is exclusively reserved for members of the public to speak to the City Council on any issue not on the meeting's agenda and to allow city staff to make brief announcements.

DATED: October 22, 2012

Kevin Hanley, Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 22nd day of October 2012 by the following vote on roll call:

Ayes:
Noes:
Absent:

Joseph G. R. Labrie, City Clerk